

REMARKS/ARGUMENTS

This paper is submitted in response to the final Office Action dated March 20, 2007. At that time, claims 1-10 and 12-30 were pending in the application. In the Office Action, the Examiner requested correction of the Abstract. The Examiner also rejected 1, 4, 6-10, 12-17, and 27-29 Under 35 U.S.C. § 103(a) as being unpatentable over XP 007121366 (hereinafter referred to as “the ‘366 document” in view of U.S. Patent No. 5918898 to Wallner et al (hereinafter “Wallner”). Claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over JP2000211465 to Yu et al (hereinafter “Yu”) in view of Wallner. Claims 2-3, 5, and 18-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘366 document in view of Yu and in further view of Wallner.

By this paper, Applicants respectfully respond to the issues raised in the Office Action. Favorable consideration is respectfully requested.

I. Abstract

The abstract has been amended in accordance with the Examiner’s suggestions. Favorable consideration is respectfully requested.

II. Rejection of Claims 1, 4, 6-10, 12-17, and 27-29 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 4, 6-10, 12-17, and 27-29 under 35 U.S.C. § 103(a) based on the ‘366 document in view of Wallner. This rejection is respectfully traversed.

The M.P.E.P. states that there can be no finding of obviousness unless the prior art reference (or references when combined) teach or suggest all the claim elements. *See e.g.*, M.P.E.P. § 2142. Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the elements in these claims. Specifically, independent claims 1 and 16 have been amended to recite that “when the crimped tabs are folded inwards, the tabs are substantially transverse to the longitudinal axis of the sleeve.” Support for this claim element is found in Applicants’ specification, for example, in Figure 2B. This claim element is not taught or suggested by the cited references. Specifically,

the '366 document does not teach or suggest crimped tabs, let alone the crimped tabs as recited in the claims. To the extent that Wallner teaches "crimped tabs," this reference does not teach that "when the crimped tabs are folded inwards, the tabs are substantially transverse to the longitudinal axis of the sleeve." On the contrary, Wallner's tabs 262, 264, 272, 274, as shown in Figures 6 and 7 of Wallner, are parallel to the longitudinal axis of the sleeve. Accordingly, as this combination of references fails to teach or suggest all of the claimed elements, the rejection under § 103(a) is improper. Withdrawal of this rejection is respectfully requested.

Claims 4, 6-10, and 12-15 depend either directly or indirectly from claim 1. Claims 17, and 27-29 depend either directly or indirectly from claim 16. Accordingly, Applicants respectfully request that the rejection of claims 4, 6-10, 12-15, 17, and 27-29 be withdrawn for at least the same reasons as those presented above in connection with independent claims 1 and 16.

III. Rejection of Claims 2-3, 5, and 18-26 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 2-3, 5, and 18-26 under 35 U.S.C. § 103(a) based on the '366 document in view of Yu and in further view of Wallner. This rejection is respectfully traversed.

As noted above, a claim can be rejected under § 103(a) only if all of the claim elements are taught or suggested by the prior art references. In the present case, claims 2, 3, and 5 depend from independent claim 1. Claims 18-26 depend from independent claim 16. All of these dependent claims require that "when the crimped tabs are folded inwards, the tabs are substantially transverse to the longitudinal axis of the sleeve." As noted above, this claim element is not taught or suggested by either the '366 document or Wallner. Further, Applicants submit that Yu also fails to teach or suggest this element. Accordingly, as all of the claim elements are not taught or suggested by the cited references, the rejection under § 103(a) must be withdrawn. Favorable consideration and withdrawal of the rejections of claims 2-3, 5, and 18-26 is respectfully requested.

IV. Rejection of Claim 30 Under 35 U.S.C. § 103(a)

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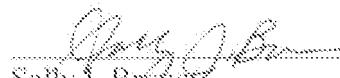
The Examiner rejected claim 30 under 35 U.S.C. § 103(a) based on Yu in view of Wallner. This rejection is respectfully traversed.

Again, Applicants submit that claim 30 is patentable over the cited references because all of the claimed elements are not taught or suggested by the prior art references. Claim 30 requires that when the crimped tabs are folded inwardly, the tabs are substantially transverse to the longitudinal axis of the sleeve. This claim element is not taught or suggested by Yu or Wallner. As such, favorable consideration and withdrawal of this rejection is respectfully requested.

V. Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,


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